

Remarks:

Prior to entry of this Amendment, claims 1-29 remained pending in the present application. Claims 1-15, 17-18, 20-22, 24-27 and 29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Farr et al. (U.S. Patent Application Publication No. 2004/0223021A1). Applicant assumes that claim 19 also is rejected on the same grounds, based on the Examiner's inclusion of claim 19 in his description of claim anticipation by Farr et al. (Office Action of March 23, 2005, p. 6). Applicant traverses these rejections.

Claims 1, 17 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morandotti et al. (U.S. Patent No. 5,289,211) in view of Kumada et al. (U.S. Patent No. 5,097,248). Claims 16, 23 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morandotti et al. (U.S. Patent No. 5,289,211) in view of Kumada et al. (U.S. Patent No. 5,097,248), as applied to claims 1, 17 and 25, and further in view of Nishino et al. (U.S. Patent No. 4,276,128). Although applicant respectfully traverses these rejections, in the interest of furthering prosecution of the present application, applicant elects to cancel claims 1, 17, 23 and 25-28 without prejudice. Claim 16 has been amended to depend from claim 9.

Information Disclosure Statement

Applicant is providing herewith copies of references EP0509747, EP1125748, and EP0672528, as well as an English abstract for JP2000 296614, so that the Examiner can consider these references, which were previously submitted with applicant's Information Disclosure Statement filed December 22, 2004.

Amendments to the Specification

Applicant has amended the specification to correct three typographical errors, two of which were noted by the Examiner. Specifically, in the paragraph beginning at page 7, line 21, applicant has changed "Fig. 2" to read "Fig. 3." Further, in the paragraph beginning at page 9, line 1, applicant has inserted the word "as," and has changed "second electrode 44" to read "second electrode 34." Applicant thanks the Examiner for pointing out these errors.

Rejections Under 35 U.S.C. § 102(e) Based on Farr et al.

As noted above, claims 1-15, 17, 18, 20-22, 24-27 and 29 have been rejected under 35 U.S.C. § 102(e) based on Farr et al. In view of the Examiner's citing of Farr et al., applicant submits herewith a Declaration Under §1.131, demonstrating applicant's invention prior to the effective date of Farr et al. (April 28, 2003). Farr et al. thus is rendered unavailable as prior art, and the rejections under 35 U.S.C. § 102(e) based on Farr et al. should be withdrawn. Applicant notes that claims 2-15, 18-22, 24 and 29 were rejected based only on Farr et al. under § 102(e), and thus are understood to be otherwise allowable if rewritten in independent form.

Applicant has amended claims 2, 5, 6 and 9, which formerly depended from claim 1, to be independent and to include all of the features of base claim 1. Similarly, applicant has amended claims 18 and 20, which formerly depended from claim 17, to be independent and to include all of the features of base claim 17. Further, applicant has amended claim 24, which formerly depended from claim 17 via intermediate claim 23, to be independent and to include all of the features of base claim 17 and intermediate claim 23. Since these amended claims were rejected only under 35 U.S.C § 102(e) based on Farr et al., in light of the

accompanying §1.131 declaration applicant believes that claims 2, 5, 6, 9, 18, 20 and 24 are now in allowable form.

Applicant has amended claim 4, which formerly depended from claim 1, to depend from claim 2. Similarly, applicant has amended claims 12-16, which formerly depended from claim 1, to depend from claim 9. Claim 29 has been amended to depend from claim 16. Since claims 2 and 9 are now in allowable form as described above, applicant believes that claims 4 and 12-15 also are now in allowable form.

Claims 3, 7, 8, 10, 11, 19, 21 and 22 have not been amended, since each of these claims depends from a claim that applicant believes is now in allowable form as described above.

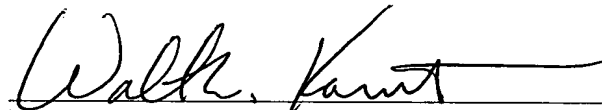
Rejections Under 35 U.S.C. § 103(a)

As noted above, claims 1, 17 and 25-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Morandotti et al. (U.S. Patent No. 5,289,211) in view of Kumada et al. (U.S. Patent No. 5,097,248). Claims 16, 23 and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Morandotti et al. (U.S. Patent No. 5,289,211) in view of Kumada et al. (U.S. Patent No. 5,097,248), as applied to claims 1, 17 and 25, and further in view of Nishino et al. (U.S. Patent No. 4,276,128). Applicant respectfully traverses the rejections under 35 U.S.C. § 103(a), noting the absence of any motivation or suggestion to make the proposed combinations. Nevertheless, applicant has canceled claims 1, 17, 23 and 25-28 without prejudice.

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Walter W. Karnstein

Registration No. 35,565

520 S.W. Yamhill Street, Suite 200

Portland, Oregon 97204

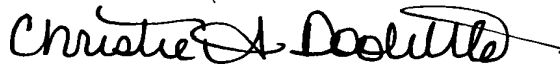
Telephone: (503) 224-6655

Facsimile: (503) 295-6679

Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on June 23, 2005.



Christie A. Doolittle